

# **2007-2009 Puget Sound Conservation and Recovery Plan**

## **Summary of Public Comments**

*Prepared by the Puget Sound Action Team staff*

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The Puget Sound Action Team (Action Team) and Puget Sound Council developed the draft *2007-2009 Puget Sound Conservation and Recovery Plan* for public review. The Action Team received public comment on the draft plan between April 15, 2006 and May 15, 2006. The Puget Sound Action Team state agencies and staff are using the comments to revise and finalize the plan that includes the proposed state budget and results for Puget Sound for the July 2007 to June 2009 budget period. In July 2006 PSAT will release a Response to Public Comments that reflects the actions taken to revise the plan. It will be sent to all those who commented on the draft plan and will be available on the Puget Sound Action Team website at <http://www.psat.wa.gov>. This document summarizes the comments on the draft plan and is organized around each of the core priorities that provide a framework for the Action Team and Council's work.

### **The Action Team received comments from 20 individuals representing the following organizations:**

Washington On-site Sewage Association, Greenbelt Consulting, The SeaDoc Society, the Northwest Watershed Institute, the Lower Hood Canal Implementation Committee, Washington Invasive Species Coalition, Northwest Straits Commission, the Cascade Land Conservancy, Duwamish River Cleanup Coalition, Audubon Washington, Seattle Audubon, Seattle Aquarium, People for Puget Sound, Clallam County Environmental Health, Jefferson County Natural Resources and Environmental Health, two staff members of the Washington Department of Fish and Wildlife, one staff member of the Washington Department of Community, Trade and Economic Development, and citizen Tom Slocum of Anacortes.

### **General Comments**

A number of respondents expressed support for bold steps under Governor's Puget Sound Partnership and Initiative, with special mention of enforcing existing laws, continued budget increases for cleanup, stronger legislation and rulemaking and greater public participation.

Most respondents supported the draft 07-09 plan and made the following suggestions:

- Include a greater overall emphasis on market-based conservation approaches, engaging partners to leverage resources, plan regionally for protecting and restoring Puget Sound, and prevent redundancy of region-wide efforts.
- Set target numbers to accelerate progress in protecting Puget Sound and to measure success by water quality and habitat improvements.

- Add the issues of marine debris, including plastics, treated wood, derelict fishing gear and other debris, and the contributions of the Marine Resources Committee (MRC) to eelgrass surveys, Olympia oyster recovery, creosote log removal and other relevant projects.
- Increase the emphasis on the freshwater basins that flow into the Sound and more adequately address upland areas that have experienced significant loss.
- Include a strategy to integrate the concept that population growth is not positive for the environment and that a transition to non-growth thinking is necessary to slow and reverse environmental trends.

### **Priority 1: Clean up contaminated sites and sediments**

Respondents supported accelerated cleanup of contaminated sites and sediments, especially for orphan sites. Several suggested the following funding mechanisms:

- Shift more of the cost for cleanup to the private sector through contributions based on profits or incentives.
- Increase funding for public participation grants and for expanding Ecology staff capacity to spend the anticipated increased revenues from the hazardous waste tax.
- Amend the Model Toxics Control Act (MTCA) so that cost recovery revenue goes back into cleanup funding rather than the state general fund.
- Eliminate barriers to using cost-recovered funds for full costs of cleanups.

A number of comments proposed additional criteria to set priorities for cleanup action:

- Identify and increase funding for sites near urban centers as major sources of PCBs.
- Clean up the worst sites first rather than setting priorities by re-development potential.
- Including in criteria the impacts to human health, endangered species, and bioaccumulation.

Comments also included regulatory suggestions as follows:

- Clarify the MTCA rule to require specific methodologies.
- Use the Sediment Management Standard's Sediment Quality Standard rather than Cleanup Screening Levels as cleanup and source control standards.
- Shift funding and policy emphasis to an approach of using sediment treatment technologies rather than shipping waste or leaving it onsite.

Compliance recommendations included the following:

- Require full compliance with stormwater and other Clean Water Act permits for governments and others receiving remedial action grants.
- Require all sites to assess on- and off-site restoration opportunities as part of cleanup.
- Requiring source controls and monitoring of cleaned up sites to detect and address recontamination.

Several comments were submitted supporting new results for cleanup efforts to remove creosote pilings. One of these respondents noted that marine bird species of concern use them for nesting, roosting and foraging habitat and requested that the state secure

adequate funding to inventory, maintain, restore or mitigate for the habitat lost when pilings are removed.

## **Priority 2: Prevent toxic contamination**

Several respondents recommended that the plan place greater emphasis on research to identify, monitor and treat emerging contaminants of concern such as pharmaceuticals and personal care products, as well as endocrine-disrupting chemicals such as phthalates. Recommendations included:

- Include in research a consideration for how population growth will affect toxic loading.
- Work at the state and national level to change the toxic control laws to require new chemicals and pharmaceuticals to prove their safety to the environment prior to approval.
- Enact an immediate ban on sources of toxic flame retardants where safer alternatives are available.
- Eliminate mixing zones for Persistent Bioaccumulative Toxins (PBTs).
- Require National Pollutant Discharge Elimination Permit System (NPDES) permits to phase out PBTs by 2020.

Respondents recommended the following actions to address toxic contamination:

- Remove financial and administrative barriers to enforcing the Clean Water Act; including NPDES permit review every 5 years with reduction of pollutants in each permit.
- Add staff for Ecology to inspect facilities regularly.
- Revise water quality standards to protect the most vulnerable populations, life stages, and organisms.
- Increasing penalties for water quality violations so that polluters have financial disincentive to pollute.
- Provide funding and technical expertise to small and medium-sized sewage treatment plans that are out of compliance with NPDES permits due to outdated infrastructure or technology.
- Reduce toxics in wastewater discharges by 50 percent.
- Developing incentive and regulatory programs for industries to use the safest chemicals and to develop less toxic products and phase out dangerous chemicals.

Two addressed oil spill prevention and response, recommending that the state secure long-term funding to implement a state-of-the-art spills prevention, preparedness, and response program and year-round funding for a permanent rescue tug at Neah Bay.

Air quality recommendations included identifying an approach to improving diesel emissions and other sources of air pollutants and mentioning low sulfur diesel and biodiesel in boats, cars and trucks, including a reference to the state's biodiesel initiative.

## **Priority 3: Prevent harm from stormwater runoff**

Most respondents supported stronger and more comprehensive stormwater management efforts throughout Puget Sound. Recommendations included

- Increase funding, incentives and regulations to promote low impact development. Several respondents noted the importance of limiting impervious surface and retaining and enhancing natural and vegetative land cover as essential to regional efforts to recover salmon, protect the ecosystems, address water quantity and quality issues, and provide for sustainable development.
- Support regulatory and incentive-based programs to improve stormwater management.
- Include a result for at least 10 water bodies currently violating water quality standards to show improvement through implementation of stormwater permits and low impact development.
- Increase homeowner and public education.
- Develop model retrofitting demonstration projects to address the areas in Puget Sound that were developed prior to requirements for stormwater controls.

Recommendations related to the National Pollutant Discharge Elimination System (NPDES) permit process included:

- Expand the permit to include all Puget Sound jurisdictions and industrial and construction sites.
- Include in the NPDES permit requirements for basin planning, low impact development, retrofitting existing development, adopting an updated Ecology stormwater manual, and monitoring and adaptive management.
- Tie the NPDES permit to water quality standards.

#### **Priority 4: Prevent nutrient and pathogen pollution**

Several respondents supported increased funding for local onsite sewage programs, and suggestions related to onsite sewage system management included:

- Increase capacity for planning, implementation, operation and maintenance activities, non-point pollution programs, public information and outreach, record-keeping, and administering grants and loans to homeowners.
- Identify funding sources for local onsite system management programs.
- Educate private citizens about onsite systems operations and maintenance and industry practitioners on design, installation and operations and maintenance of systems.
- Initiate certification and licensing requirements for Installers and Operation and Maintenance providers.
- Identify new management models of governance in larger communities and clusters of systems and consider allowing for management through public utility districts.

Science recommendations included:

- Increase research to better understand the risk from emerging pathogen pollution from human protozoal pathogens *Cryptosporidium parvum* and *Giardia duodenalis* that can live in filter-feeding bivalves for up to a year.

- Include monitoring for domoic acid with paralytic shellfish poisoning (PSP) monitoring.

Recommendations related to water quality standards included more state oversight and enforcement of local water quality violations where local jurisdictions delay action, minimize penalties, and act only when prodded by public complaints.

Recommended actions related to pollution from boats included requiring that all marinas install holding tank pump-out systems for tenant and transient boaters. Another respondent noted that the current plan of the Department of Health to create shellfish closure zones in passenger shipping lanes creates a potential conflict with Puget Sound tribes that harvest geoducks. An economic assessment of the relative value of both activities was recommended to guide decision-makers.

### **Special focus area: Hood Canal**

One respondent made a number of suggestions related to clarifying the role of the relationship between corrective actions and scientific studies, pointing out that the results of the Integrated Assessment and Modeling (IAM) study will be available during the 07-09 biennium and will be used to evaluate and develop new corrective actions and design future research studies. The respondent also noted that the IAM will be capable of being adapted to use in specific applications.

### **Priority 5: Protect functioning nearshore and freshwater habitats**

Most comments for this priority supported habitat protection efforts and a goal of no net loss of habitats. Recommendations in comments included:

- Conduct an independent assessment to identify and prioritize high-quality habitat areas for protection.
- Increase the focus in the plan for greater emphasis on freshwater habitats that support wildlife.

Regulatory recommendations included:

- Increase enforcement of existing regulations.
- Strengthen Forest Practice Regulations.
- Limit residential clearing and grading and development footprints.
- Increase bioengineering and natural landscaping practices.
- Increase state agency guidance and training for local governments to protect marine shorelines, nearshore habitats, and habitat-forming natural processes, including best available science for determining buffer widths necessary to protect the nearshore.
- Increase the use of tools such as aquatic reserves and Natural Resources Conservation Areas.
- Monitor the effectiveness of land use regulations and developing adaptive management programs that apply the monitoring results.

A majority of respondents also supported innovative approaches and incentive and market-based approaches to protection, including:

- Purchase habitats and areas that support habitats such as shoreline feeder bluffs from willing landowners.
- Support land trust approaches locally and at a regional scale, using the Cascade Agenda as a model.
- Expand the use of tools such as transfer of development rights, mitigation banking, and other market-based programs.
- Develop model projects at government facilities.
- Increase education and stewardship to accompany all programs.

One respondent addressed the invasive species strategy, recommending a target of 10 percent for vessels inspected in Puget Sound ports and new results related to hull fouling, an education program called “Habitattitude,” and assistance to shellfish and finfish growers in voluntary efforts to prevent introducing invasive species.

### **Priority 6: Restore degraded nearshore and freshwater habitats**

Several respondents supported the priority goal of a net gain in habitat. Suggested additions to the plan included:

- Provide information on the context for the large-scale restoration projects and the Puget Sound Nearshore Project, such as an overall plan and the relative importance of each site.
- Recognize and support smaller-scale restoration work done by many local groups in addition to the regional Puget Sound Nearshore Project efforts.

Several respondents addressed the strategy to control the spread of invasive species with the following comments:

- Increase attention to aquatic nuisance plants like reed canary grass.
- Address other invasive species issues including the bullfrogs that degrade nearshore aquatic freshwater habitats.
- An issue of concern is state support for introduced species that may threaten the survival of some native freshwater amphibian and fish species such as the western pond turtle and the Oregon spotted frog, both of which are state-listed endangered species.
- Increase the proposed 20 percent goal for reduction of *Spartina* to a goal of complete eradication of *Spartina* from Puget Sound.

### **Priority 7: Conserve and recover species at risk**

Respondents supported the strong focus on the conservation of the southern community orca whales and the addition of marine bird species to this priority.

Recommendations for marine birds included:

- Add the great blue heron to monitoring plans.

- Complete the status reviews for candidate species (in priority order) for the common murre, Cassin's auklet, tufted puffin, short-tailed albatross, and Brandt's cormorant.
- Add a candidate listing and a status review for red-throated loons which have experienced precipitous declines since 1998.
- Provide more information on the framework for regulating surf scoters as a game bird.
- Provide significant investment in research and analysis into marine bird declines and in developing the conservation plan for at-risk marine bird species by the end of the 2007-2009 biennium.

### **Priority 8: Prepare for and adapt Puget Sound efforts to a changing climate**

A number of respondents supported including this priority in the plan and one suggested that the scope of the priority should address efforts to limit greenhouse emissions. Several respondents recommended more specific results such as an action plan to address the most likely effects in areas likely to experience greater sea level rise, such as South Sound.

### **Education and Public Involvement**

Many respondents supported increased public education for specific priorities throughout the plan. One regional recommendation supported broader proactive education campaigns linked to on-the-ground actions to support regulatory efforts. The campaign could include links to public transportation initiatives, support for conservation districts, and bold actions that benefit the Sound.

### **The role of science in Puget Sound efforts**

Several respondents supported the result in this section to develop a conceptual model to organize and communicate science, and recommended this be applied as an adaptive management tool and used to guide other science efforts. Examples of specific recommendations include:

- An initial study during 2007-2009 of the stressors leading to the precipitous decline experienced by the harbor porpoise, especially in central and south Puget Sound.
- Characterize point and non-point source pollution models on a watershed basis for use in management decisions.
- One respondent cautioned that scientists should not be put in the position of appearing to advocate for policy decisions.

A number of comments summarized under individual priorities made recommendations for specific monitoring and research activities.